

**REMARKS**

**I. Introduction**

In response to the Office Action dated July 15, 2005, Applicants have amended claims 7, 9, 10, 17 and 19 in order to clarify the intended subject matter of the invention. Claims 8, 15, 16 and 20 have been cancelled. Support for amendments to claims 7, 9, 10, 17 and 19 may be found, for example, on page 9, lines 9-13 of the specification. No new matter has been added.

Please note that an Information Disclosure Statement was filed on August 30, 2005. Applicants request that the IDS be considered and the PTO-1449 form be initialed and returned to Applicants.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

**II. The Rejection of Claims 7, 9, 15 And 19 Under 35 U.S.C. § 103**

Claims 7, 9, 15 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Neto (U.S. 5,634,497) in view of Salugsugan (U.S. 5,486,265), Adams (U.S. 5,755,614) or Hayden (U.S. 6,015,499). Applicants respectfully submit that Neto, alone or in combination with Salugsugan, Adams or Hayden, fails to render the pending claims obvious for at least the following reasons. As claim 15 has been cancelled, the rejection of claim 15 is now moot.

With regard to the present invention, amended claims 7 and 9 recite, in-part, a tube for supplying the slurry wherein the tube is a vinyl chloride type tube. Claim 19 recites, in-part, a tube connected between the CMP unit and the slurry pump, and wherein the tube is a vinyl chloride type tube.

In contrast to the claimed invention, Neto, Salugsugan, Adams and Hayden all fail to disclose the limitation that the tube is a vinyl chloride type tube. As set forth in the specification, the characteristic that the tube is made of vinyl chloride has made it possible to suppress the generation of foreign substance from a tube-type slurry supply pump and the generation of scars and scratches in CMP, and achieve high yield. None of the cited references disclose or suggest this limitation of the present invention.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA1974). As neither Neto, Salugsugan, Adams nor Hayden disclose that the tube for supplying the slurry is a vinyl chloride type tube, it is submitted that Neto, alone or in combination with Salugsugan, Adams or Hayden, does not render claims 7, 9 and 19 obvious. In view of this, it is respectfully requested that the § 103 rejection of claims 7, 9 and 19 and any pending claims dependent thereon be withdrawn. As Madle (U.S. 3,665,096) only discloses that silicone rubber is an abrasion resistant rubber, Applicants assert that Madle also does not disclose that the tube for supplying the slurry is a vinyl chloride type tube.

### **III. The Rejection of Claims 10, 17, 18 And 21 Under 35 U.S.C. § 103**

Claims 10, 17, 18 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Neto in view of Salugsugan, Adams or Hayden and in further view of JP 10152976. Applicants respectfully submit that Neto, alone or in combination with Salugsugan, Adams, Hayden or JP 10152976, fails to render the pending claims obvious for at least the following reasons.

Claim 10 discloses in-part, a system for polishing a substrate using CMP, comprising...a tube in which at least the inner surface is formed of a vinyl chloride material wherein the tube is a vinyl chloride type tube. Claim 17 discloses in-part, a device formation method comprising of...a tube connected to a slurry pump, wherein the tube has at least an inner surface formed of a vinyl chloride material. Claim 18 discloses in-part, a device formation method comprising of...a tube connected to a slurry pump, wherein the tube is a vinyl chloride type tube. Claim 21 discloses in-part, a system for forming a semiconductor device comprising...a tube connected between the CMP unit and the slurry pump wherein the tube has at least an inner surface formed of a vinyl chloride material.

A statement that modifications of the prior art to meet the claimed invention would have been well within the ordinary skill of the art at the time the claimed invention was made because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). Thus, the Examiner's allegation that one of ordinary skill in the art would have found it obvious to make the tube out of vinyl chloride and therefore obvious in view of the above cited references is invalid because there is no suggestion to combine the above cited references.

Furthermore, the subject matter of JP 10152976 relates to a hard floor material. Therefore, the cited reference belongs to a different technical field from the present invention. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990). Thus, as JP 10152976 is not at all related to the

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technology presented in either the claimed invention, or the other cited prior art, it is clear that the combination of JP 10152976 with the other cited prior art may not be held to render claims 10, 17, 18 and 21 obvious without a suggestion of the desirability to combine these references. As there is no such suggestion, it stands that the present invention is not obvious in view of the cited prior art.

In view of this it is respectfully requested that the § 103 rejection of claims 10, 17, 18 and 21 and any pending claims dependent thereon be withdrawn.

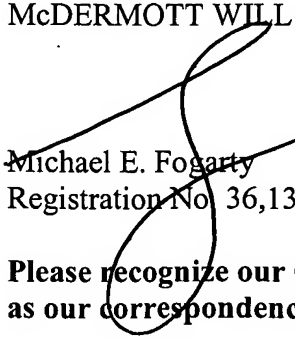
#### **IV. Conclusion**

Having responded to all open issues set forth in the Office Action, it is respectfully submitted that all claims are in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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